

3 Senate Bill No. 2312

4 SENATE BILL NO. 2312 - By: Gumm of the Senate and Terrill of the
5 House.

6 An Act relating to prisons and reformatories; amending 57
7 O.S. 2001, Sections 582, as last amended by Section 2,
8 Chapter 404, O.S.L. 2009, 583, as last amended by Section 5,
9 Chapter 404, O.S.L. 2009, 584, as last amended by Section 6,
10 Chapter 404, O.S.L. 2009 and 585 (57 O.S. Supp. 2009,
11 Sections 582, 583 and 584), which relate to the Sex Offender
12 Registration Act; modifying application of act; modifying
13 types of information required to be provided by those
14 subject to specified act; modifying type of information
15 required for certain registration with the Oklahoma
16 Department of Corrections, local law enforcement, and
17 applying a time limit to such notice; modifying duties of
18 specified persons prior to discharge of a person subject to
19 the Sex Offenders Registration Act; and providing an
20 effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 57 O.S. 2001, Section 582, as last
23 amended by Section 2, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,
24 Section 582), is amended to read as follows:

25 Section 582. A. The provisions of the Sex Offenders
26 Registration Act shall apply to any person residing, working ~~or~~,
27 attending school or who is homeless as defined in Section 2900.1 of
28 Title 74 of the Oklahoma Statutes within the State of Oklahoma who,
29 after November 1, 1989, has been convicted, whether upon a verdict
30 or plea of guilty or upon a plea of nolo contendere, or received a
31 suspended sentence or any probationary term, or is currently serving

1 a sentence or any form of probation or parole for a crime or an
2 attempt to commit a crime provided for in Section 7115 of Title 10
3 of the Oklahoma Statutes if the offense involved sexual abuse or
4 sexual exploitation as those terms are defined in Section 7102 of
5 Title 10 of the Oklahoma Statutes, Section 681, if the offense
6 involved sexual assault, 741, if the offense involved sexual abuse
7 or sexual exploitation, Section 843.1, if the offense involved
8 sexual abuse or sexual exploitation, Section 852.1, if the offense
9 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
10 if the offense involved sexual abuse or sexual exploitation, 1021,
11 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,
12 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

13 B. The provisions of the Sex Offenders Registration Act shall
14 apply to any person who after November 1, 1989, resides, works ~~or~~,
15 attends school or who is homeless as defined in Section 2900.1 of
16 Title 74 of the Oklahoma Statutes within the State of Oklahoma and
17 who has been convicted or received a suspended sentence at any time
18 in any court of another state, the District of Columbia, Puerto
19 Rico, Guam, American Samoa, the Northern Mariana Islands and the
20 United States Virgin Islands, a federal court, an Indian tribal
21 court, a military court, or a court of a foreign country for a
22 crime, attempted crime or a conspiracy to commit a crime which, if
23 committed or attempted in this state, would be a crime, an attempt

1 to commit a crime or a conspiracy to commit a crime provided for in
2 any of said laws listed in subsection A of this section.

3 C. The provisions of the Sex Offenders Registration Act shall
4 apply to any person who resides, works ~~or~~, attends school or who is
5 homeless as defined in Section 2900.1 of Title 74 of the Oklahoma
6 Statutes within the State of Oklahoma and who has received a
7 deferred judgment at any time in any court of another state, the
8 District of Columbia, Puerto Rico, Guam, American Samoa, the
9 Northern Mariana Islands and the United States Virgin Islands, a
10 federal court, an Indian tribal court, a military court, or a court
11 of a foreign country for a crime, attempted crime or a conspiracy to
12 commit a crime which, if committed or attempted or conspired to be
13 committed in this state, would be a crime, an attempt to commit a
14 crime or a conspiracy to commit a crime provided for in Section 7115
15 of Title 10 of the Oklahoma Statutes if the offense involved sexual
16 abuse or sexual exploitation as those terms are defined in Section
17 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the
18 offense involved sexual assault, 741, if the offense involved sexual
19 abuse or sexual exploitation, Section 843.1, if the offense involved
20 sexual abuse or sexual exploitation, Section 852.1, if the offense
21 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
22 if the offense involved sexual abuse or sexual exploitation, 1021,
23 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,

1 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The
2 provisions of the Sex Offenders Registration Act shall not apply to
3 any such person while the person is incarcerated in a maximum or
4 medium correctional institution of the Department of Corrections.

5 D. On the effective date of this act, any person registered as
6 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma
7 Statutes shall be summarily removed from the Sex Offender Registry
8 by the Department of Corrections and all law enforcement agencies of
9 any political subdivision of this state, unless the offense involved
10 sexual abuse or sexual exploitation.

11 E. The provisions of the Sex Offenders Registration Act shall
12 not apply to any such person who has received a criminal history
13 records expungement for a conviction in another state for a crime or
14 attempted crime which, if committed or attempted in this state,
15 would be a crime or an attempt to commit a crime provided for in any
16 said laws listed in subsection A of this section.

17 SECTION 2. AMENDATORY 57 O.S. 2001, Section 583, as last
18 amended by Section 5, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,
19 Section 583), is amended to read as follows:

20 Section 583. A. Any person who becomes subject to the
21 provisions of the Sex Offenders Registration Act on or after
22 November 1, 1989, shall register, in person, as follows:

1 1. With the Department of Corrections within three (3) business
2 days of being convicted or receiving a suspended sentence or any
3 probationary term, including a deferred sentence imposed in
4 violation of subsection G of Section 991c of Title 22 of the
5 Oklahoma Statutes, if the person is not incarcerated, or not less
6 than three (3) business days prior to the release of the person from
7 a correctional institution, except as provided in subsection B of
8 this section;

9 2. With the local law enforcement authority having jurisdiction
10 in the area where the person resides ~~or~~, intends to reside for seven
11 (7) consecutive days or longer, calculated beginning with the first
12 day, or is located while homeless. The registration is required
13 within three (3) days after entering the jurisdiction of the law
14 enforcement authority; and

15 3. With the Department of Corrections and the local law
16 enforcement authority no less than three (3) business days prior to
17 abandoning or moving from the address of the previous registration,
18 or within three (3) business days of changing or terminating
19 employment, or changing enrollment status as a student.

20 For purposes of this section, "local law enforcement authority"
21 means:

22 a. the municipal police department, if the person resides
23 or intends to reside or stay or is located while

1 homeless within the jurisdiction of any municipality of
2 this state, or

3 b. the county sheriff, if the person resides or intends to
4 reside or stay or is located while homeless at any place
5 outside the jurisdiction of any municipality within this
6 state, and

7 c. the police or security department of any institution of
8 higher learning within this state if the person:

9 (1) enrolls as a full-time or part-time student,

10 (2) is a full-time or part-time employee at an
11 institution of higher learning, or

12 (3) resides or intends to reside or stay on any
13 property owned or controlled by the institution
14 of higher learning.

15 B. Any person who has been convicted of an offense or received
16 a deferred judgment for an offense in another jurisdiction, which
17 offense if committed or attempted in this state, would have been
18 punishable as one or more of the offenses listed in Section 582 of
19 this title and who enters this state on or after November 1, 1989,
20 shall register, in person, as follows:

21 1. With the Department of Corrections when the person enters
22 and intends to be in the state for any purpose for five (5)
23 consecutive days or longer, calculated beginning with the first day,

1 has any type of full-time or part-time employment, with or without
2 compensation for more than five (5) cumulative days in any sixty-day
3 period, or is enrolled as a full-time or part-time student within
4 this state. Such registration is required within two (2) days after
5 entering the state;

6 2. With the local law enforcement authority having jurisdiction
7 in the area where the person intends to reside or to stay for five
8 (5) consecutive days or longer, calculated beginning with the first
9 day, has any type of full-time or part-time employment, with or
10 without compensation for more than five (5) cumulative days in any
11 sixty-day period, or is enrolled as a full-time or part-time student
12 within this state. The registration is required with local law
13 enforcement within two (2) days after entering the jurisdiction of
14 the law enforcement authority; and

15 3. With the Department of Corrections and the local law
16 enforcement authority no less than three (3) business days prior to
17 abandoning or moving from the address of the previous registration,
18 or within three (3) business days of changing or terminating
19 employment, or changing enrollment status as a student.

20 Upon registering a person who has been convicted of an offense
21 or received a deferred judgment for an offense in another
22 jurisdiction, which offense, if committed or attempted in this
23 state, would have been punishable as one or more of the offenses

1 listed in Section 582 of this title, the local law enforcement
2 authority shall forward the registration information to the sex
3 offender level assignment committee of the Department of
4 Corrections.

5 C. When a person has been convicted or received probation
6 within the State of Oklahoma, the person shall be required to
7 register with the Department of Corrections as follows:

8 1. For a period of fifteen (15) years, if the level assignment
9 of the person is one;

10 2. For a period of twenty-five (25) years, if the level
11 assignment of the person is two; and

12 3. For life, if the level assignment of the person is three or
13 the person is classified as a habitual or aggravated sex offender.

14 The registration period shall begin from the date of the completion
15 of the sentence. The information received pursuant to the
16 registration with the Department of Corrections required by this
17 section shall be maintained by the Department of Corrections for at
18 least ten (10) years from the date of the last registration.

19 D. When a person has been convicted or received probation
20 within the State of Oklahoma, the person shall be required to
21 register with the local law enforcement authority as follows:

22 1. For a period of fifteen (15) years, if the level of the
23 person is one;

1 2. For a period of twenty-five (25) years, if the level of the
2 person is two; and

3 3. For life, if the level of the person is three or the person
4 has been classified as a habitual or aggravated sex offender.

5 The registration period shall begin from the date of completion of
6 the sentence and the information received pursuant to the
7 registration with the local law enforcement authority required by
8 this section shall be maintained by such authority for at least ten
9 (10) years from the date of the last registration.

10 E. Any person assigned a level of one who has been registered
11 for a period of ten (10) years and who has not been arrested or
12 convicted for any felony or misdemeanor offense since being released
13 from confinement, may petition the district court in the
14 jurisdiction where the person resides for the purpose of removing
15 the level designation and allowing the person to no longer be
16 subject to the registration requirements of the Sex Offenders
17 Registration Act.

18 F. When registering an offender as provided in this section the
19 Department of Corrections or the local law enforcement agency having
20 jurisdiction shall:

21 1. Inform the offender of the duty to register and obtain the
22 information required for registration as described in this section;

1 2. Inform the offender that if the offender changes address or
2 becomes homeless, the offender shall appear in person and give
3 notice of the move and the new address or the offender's status as a
4 homeless individual to the Department of Corrections and to the
5 local law enforcement authority in the location in which the
6 offender previously resided no later than three (3) days before the
7 offender establishes residence or is temporarily domiciled at the
8 new address;

9 3. Inform the offender that if the offender changes address to
10 another state, the offender shall appear in person and give notice
11 of the move and shall register the new address or the offender's
12 status as a homeless individual in another state with the Department
13 of Corrections and with a designated law enforcement agency in the
14 new state not later than ten (10) days before the offender
15 establishes residency or is temporarily domiciled in the new state,
16 if the new state has a registration requirement;

17 4. Inform the offender that if the offender participates in any
18 full-time employment, with or without compensation, and changes or
19 terminates such employment, the offender shall appear in person and
20 give notice of the change or termination of employment to the
21 Department of Corrections and to the local law enforcement authority
22 in the location where the offender was employed within three (3)
23 days of such change or termination of employment;

1 5. Inform the offender that if the offender participates in any
2 full-time or part-time employment, in another state, with or without
3 compensation for more than fourteen (14) cumulative days in any
4 sixty-day period or an aggregate period exceeding thirty (30) days
5 in a calendar year, then the offender has a duty to register as a
6 sex offender in that state;

7 6. Inform the offender that if the offender enrolls in any type
8 of school in another state as a full-time or part-time student then
9 the offender has a duty to register as a sex offender in that state;

10 7. Inform the offender that if the offender enrolls in any
11 school within this state as a full-time or part-time student, then
12 the offender has a duty to register as a sex offender with the
13 Department of Corrections and the local law enforcement authority;

14 8. Inform the offender that if the offender participates in any
15 full-time or part-time employment at any school, with or without
16 compensation, or participates in any vocational course or occupation
17 at any school in this state, then the offender has a duty to appear
18 in person and notify the Department of Corrections and the local law
19 enforcement authority of such employment or participation at least
20 three (3) days before commencing or upon terminating such employment
21 or participation;

22 9. Inform the offender that if the offender graduates,
23 transfers, drops, terminates or otherwise changes enrollment or

1 employment at any school in this state, then the offender shall
2 appear in person and notify the Department of Corrections and the
3 local law enforcement authority of such change in enrollment or
4 employment within three (3) days of the change; and

5 10. Require the offender to read and sign a form stating that
6 the duty of the person to register under the Sex Offenders
7 Registration Act has been explained.

8 G. For the purpose of this section, the "date of the completion
9 of the sentence" means the day an offender completes all
10 incarceration, probation and parole pertaining to the sentence.

11 H. Any person who resides in another state and who has been
12 convicted of an offense or received a deferred judgment for an
13 offense in this state, or in another jurisdiction, which offense if
14 committed or attempted in this state would have been punishable as
15 one or more of the offenses listed in Section 582 of this title, and
16 who is the spouse of a person living in this state shall be
17 registered as follows:

18 1. With the Department of Corrections when the person enters
19 and intends to be in the state for any purpose for five (5)
20 consecutive days or longer, calculated beginning with the first day
21 or an aggregate period of five (5) days or longer in a calendar
22 year. Such registration is required within two (2) days after
23 entering the state; and

1 2. With the local law enforcement authority having jurisdiction
2 in the area where the person intends to reside or to stay within
3 this state for two (2) consecutive days or longer, calculated
4 beginning with the first day. The registration is required with
5 local law enforcement within two (2) days after entering the
6 jurisdiction of the law enforcement authority.

7 I. The duty to register as a sex offender in this state shall
8 not be prevented if, at the time of registration, it is determined
9 that the person owns or leases a residence that is located within a
10 restricted area provided for in Section 590 of this title.

11 SECTION 3. AMENDATORY 57 O.S. 2001, Section 584, as last
12 amended by Section 6, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,
13 Section 584), is amended to read as follows:

14 Section 584. A. Any registration with the Department of
15 Corrections required by the Sex Offenders Registration Act shall be
16 in a form approved by the Department and shall include the following
17 information about the person registering:

18 1. The name of the person and all aliases used or under which
19 the person has been known;

20 2. A complete description of the person, including a photograph
21 and fingerprints, and when requested by the Department of
22 Corrections, such registrant shall submit to a blood or saliva test
23 for purposes of a deoxyribonucleic acid (DNA) profile. Submission

1 to testing for individuals registering shall be within thirty (30)
2 days of registration. Registrants who already have valid samples on
3 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
4 Offender Database shall not be required to submit duplicate samples
5 for testing;

6 3. The offenses listed in Section 582 of this title for which
7 the person has been convicted or the person received a suspended
8 sentence or any form of probation, where the offense was committed,
9 where the person was convicted or received the suspended sentence or
10 any form of probation, and the name under which the person was
11 convicted or received the suspended sentence or probation;

12 4. The name and location of each hospital or penal institution
13 to which the person was committed for each offense listed in Section
14 582 of this title;

15 5. Where the person previously resided, where the person
16 currently resides or is located if the person is homeless, how long
17 the person has resided or been located there, how long the person
18 expects to reside or be located there, and how long the person
19 expects to remain in the county and in this state. The Department
20 of Corrections shall conduct address verification of each registered
21 sex offender as follows:

22 a. on an annual basis, if the numeric risk level of the
23 person is one, or

1 b. on a semiannual basis, if the numeric risk level of
2 the person is two.

3 The Department of Corrections shall mail a nonforwardable
4 verification form to the last-reported address of the person. The
5 person shall return the verification form in person to the local law
6 enforcement authority of that jurisdiction within ten (10) days
7 after receipt of the form and may be photographed by the local law
8 enforcement authority at that time. The local law enforcement
9 authority shall require the person to produce proof of the identity
10 of the person and current address. Upon confirming the information
11 contained within the verification form, the local law enforcement
12 authority shall forward the form to the Department of Corrections
13 within three (3) days after receipt of the form. The verification
14 form shall be signed by the person and state the current address of
15 the person. Failure to return the verification form shall be a
16 violation of the Sex Offenders Registration Act. If the offender
17 has been determined to be a habitual or aggravated sex offender by
18 the Department of Corrections or has been assigned a level
19 assignment of three, the address verification shall be conducted
20 every ninety (90) days. The Department of Corrections shall notify
21 the office of the district attorney and local law enforcement
22 authority of the appropriate county, within forty-five (45) days if
23 unable to verify the address of a sex offender. A local law

1 enforcement authority may notify the office of the district attorney
2 whenever it comes to the attention of the local law enforcement
3 authority that a sex offender is not in compliance with any
4 provisions of this act. A local law enforcement authority
5 designated as the primary registration authority of the person may,
6 at any time, mail a nonforwardable verification form to the last-
7 reported address of the person. The person shall return the
8 verification form in person to the local law enforcement authority
9 that mailed the form within ten (10) days after receipt of the form.
10 The local law enforcement authority shall require the person to
11 produce proof of the identity of the person and current address;

12 6. The name and address of any school where the person expects
13 to become or is enrolled or employed for any length of time;

14 7. A description of all occupants residing with the person
15 registering, including, but not limited to, name, date of birth,
16 gender, relation to the person registering, and how long the
17 occupant has resided there; and

18 8. The level assignment of the person.

19 B. Conviction data and fingerprints shall be promptly
20 transmitted at the time of registration to the Oklahoma State Bureau
21 of Investigation (OSBI) and the Federal Bureau of Investigation
22 (FBI) if the state has not previously sent the information at the
23 time of conviction.

1 C. The registration with the local law enforcement authority
2 required by the Sex Offenders Registration Act shall be in a form
3 approved by the local law enforcement authority and shall include
4 the following information about the person registering:

5 1. The full name of the person, alias, date of birth, sex,
6 race, height, weight, eye color, social security number, driver
7 license number, and home address or if no home address, the person's
8 status as a homeless individual;

9 2. A description of the offense for which the offender was
10 convicted, the date of the conviction, and the sentence imposed, if
11 applicable;

12 3. A photocopy of the driver license of the person; and

13 4. The level assignment of the person.

14 For purposes of this section, "local law enforcement authority"
15 means:

16 a. the municipal police department, if the person resides
17 or intends to reside or stay or is located while
18 homeless within the jurisdiction of any municipality
19 of this state, or

20 b. the county sheriff, if the person resides or intends
21 to reside or stay at any place outside the
22 jurisdiction of any municipality within this state,
23 and

1 teletype or electronic transmission of the change of address,
2 employment or student enrollment status;

3 2. The offender shall notify the new local law enforcement
4 authority of any previous registration; and

5 3. The new local law enforcement authority shall notify the
6 most recent registering agency by teletype or electronic
7 transmission of the change in address, employment or student
8 enrollment status of the offender. If the new address is in another
9 state the Department of Corrections shall promptly notify the agency
10 responsible for registration in that state of the new address of the
11 offender.

12 E. Any person subject to the provisions of the Sex Offenders
13 Registration Act who is unable to provide an address to the
14 Department of Corrections or local law enforcement authority as
15 required in subsections A and C of this section and registers as a
16 transient shall report in person to the nearest local law
17 enforcement authority every seven (7) days and provide to the local
18 law enforcement authority the approximate location of where the
19 person is staying and where the person plans to stay.

20 F. The Department of Corrections shall maintain a file of all
21 sex offender registrations. A copy of the information contained in
22 the registration shall promptly be available to state, county and
23 municipal law enforcement agencies, the State Superintendent of

1 Public Instruction, the Commissioner of Health, and the National Sex
2 Offender Registry maintained by the Federal Bureau of Investigation.
3 The file shall promptly be made available for public inspection or
4 copying pursuant to rules promulgated by the Department of
5 Corrections and may be made available through Internet access. The
6 Department of Corrections shall promptly provide all municipal
7 police departments, all county sheriff departments and all campus
8 police departments a list of those sex offenders registered and
9 living in their county.

10 G. The Superintendent of Public Instruction is authorized to
11 copy and shall distribute information from the sex offender registry
12 to school districts and individual public and private schools within
13 the state with a notice using the following or similar language: "A
14 person whose name appears on this registry has been convicted of a
15 sex offense. Continuing to employ a person whose name appears on
16 this registry may result in civil liability for the employer or
17 criminal prosecution pursuant to Section 589 of Title 57 of the
18 Oklahoma Statutes."

19 H. The State Commissioner of Health is authorized to distribute
20 information from the sex offender registry to any nursing home or
21 long-term care facility. Nothing in this subsection shall be deemed
22 to impose any liability upon or give rise to a cause of action
23 against any person, agency, organization, or company for failing to

1 release information in accordance with the Sex Offenders
2 Registration Act.

3 I. Each local law enforcement authority shall make its sex
4 offender registry available upon request, without restriction, at a
5 cost that is no more than what is charged for other records provided
6 by the local law enforcement authority pursuant to the Oklahoma Open
7 Records Act.

8 When a local law enforcement authority sends a copy of or
9 otherwise makes the sex offender registry available to any public or
10 private school offering any combination of prekindergarten through
11 twelfth grade classes or child care facility licensed by the state,
12 the agency shall provide a notice using the following or similar
13 language: "A person whose name appears on this registry has been
14 convicted of a sex offense. Continuing to employ a person whose
15 name appears on this registry may result in civil liability for the
16 employer or criminal prosecution pursuant to Section 589 of Title 57
17 of the Oklahoma Statutes."

18 J. Samples of blood or saliva for DNA testing required by
19 subsection A of this section shall be taken by employees or
20 contractors of the Department of Corrections. Said individuals
21 shall be properly trained to collect blood or saliva samples.
22 Persons collecting samples for DNA testing pursuant to this section
23 shall be immune from civil liabilities arising from this activity.

1 The Department of Corrections shall ensure the collection of samples
2 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
3 within ten (10) days of the time the subject appears for testing.
4 The Department shall use sample kits provided by the OSBI and
5 procedures promulgated by the OSBI. Persons subject to DNA testing
6 pursuant to this section shall be required to pay to the Department
7 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
8 collected pursuant to this subsection shall be deposited in the
9 Department of Corrections revolving account.

10 K. 1. Any person who has been convicted of or received a
11 suspended sentence or any probationary term, including a deferred
12 sentence imposed in violation of subsection G of Section 991c of
13 Title 22 of the Oklahoma Statutes, for any crime listed in Section
14 582 of this title and:

15 a. who is subsequently convicted of a crime or an attempt
16 to commit a crime listed in subsection A of Section
17 582 of this title, or

18 b. who enters this state after November 1, 1997, and who
19 has been convicted of an additional crime or attempted
20 crime which, if committed or attempted in this state,
21 would be a crime or an attempt to commit a crime
22 provided for in subsection A of Section 582 of this
23 title,

1 shall be subject to all of the registration requirements of this act
2 and shall be designated by the Department of Corrections as a
3 habitual sex offender. A habitual sex offender shall be required to
4 register for the lifetime of the habitual sex offender.

5 2. On or after November 1, 1999, any person who has been
6 convicted of a crime or an attempt to commit a crime, received a
7 suspended sentence or any probationary term, including a deferred
8 sentence imposed in violation of subsection G of Section 991c of
9 Title 22 of the Oklahoma Statutes, for a crime provided for in
10 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
11 involved sexual abuse or sexual exploitation as these terms are
12 defined in Section 7102 of Title 10 of the Oklahoma Statutes,
13 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
14 Statutes shall be subject to all the registration requirements of
15 this act and shall be designated by the Department of Corrections as
16 an aggravated sex offender. An aggravated sex offender shall be
17 required to register for the lifetime of the aggravated sex
18 offender.

19 3. Upon registration of any person designated as a habitual or
20 aggravated sex offender, pursuant to this subsection, a local law
21 enforcement authority shall notify, by any method of communication
22 it deems appropriate, anyone that the local law enforcement
23 authority determines appropriate, including, but not limited to:

- 1 a. the family of the habitual or aggravated sex offender,
2 b. any prior victim of the habitual or aggravated sex
3 offender,
4 c. residential neighbors and churches, community parks,
5 schools, convenience stores, businesses and other
6 places that children or other potential victims may
7 frequent, and
8 d. a nursing facility, a specialized facility, a
9 residential care home, a continuum-of-care facility,
10 an assisted living center, and an adult day care
11 facility.

12 4. The notification may include, but is not limited to, the
13 following information:

- 14 a. the name and physical address of the habitual or
15 aggravated sex offender or the fact that the habitual
16 or aggravated sex offender is homeless,
17 b. a physical description of the habitual or aggravated
18 sex offender, including, but not limited to, age,
19 height, weight and eye and hair color,
20 c. a description of the vehicle that the habitual or
21 aggravated sex offender is known to drive,

- 1 d. any conditions or restrictions upon the probation,
2 parole or conditional release of the habitual or
3 aggravated sex offender,
4 e. a description of the primary and secondary targets of
5 the habitual or aggravated sex offender,
6 f. a description of the method of offense of the habitual
7 or aggravated sex offender,
8 g. a current photograph of the habitual or aggravated sex
9 offender,
10 h. the name and telephone number of the probation or
11 parole officer of the habitual or aggravated sex
12 offender, and
13 i. the level assignment of the person.

14 5. The local law enforcement authority shall make the
15 notification provided for in this subsection regarding a habitual or
16 aggravated sex offender available to any person upon request.

17 L. If the probation and parole officer supervising a person
18 subject to registration receives information to the effect that the
19 status of the person has changed in any manner that affects proper
20 supervision of the person including, but not limited to, a change in
21 the physical health of the person, address, employment, or
22 educational status, higher educational status, incarceration, or
23 terms of release, the supervising officer or administrator shall

1 notify the appropriate local law enforcement authority or
2 authorities of that change.

3 M. Public officials, public employees, and public agencies are
4 immune from civil liability for good faith conduct under any
5 provision of the Sex Offenders Registration Act.

6 1. Nothing in the Sex Offenders Registration Act shall be
7 deemed to impose any liability upon or to give rise to a cause of
8 action against any public official, public employee, or public
9 agency for releasing information to the public or for failing to
10 release information in accordance with the Sex Offenders
11 Registration Act.

12 2. Nothing in this section shall be construed to prevent law
13 enforcement officers from notifying members of the public of any
14 persons that pose a danger under circumstances that are not
15 enumerated in the Sex Offenders Registration Act.

16 SECTION 4. AMENDATORY 57 O.S. 2001, Section 585, is
17 amended to read as follows:

18 Section 585. A. Each person in charge of a correctional
19 institution from which a person subject to the provisions of the Sex
20 Offenders Registration Act, Section 581 et seq. of this title, is
21 released and each judge who suspends the sentence of a person
22 subject to the provisions of the Sex Offenders Registration Act or
23 orders any probationary term, including a deferred sentence imposed

1 in violation of subsection G of Section 991c of Title 22 of the
2 Oklahoma Statutes, for a person subject to the provisions of the Sex
3 Offenders Registration Act shall prior to discharge or release of
4 said person:

5 1. Explain to the person the duty to register pursuant to the
6 Sex Offenders Registration Act;

7 2. Require the person to sign a written statement that the duty
8 to register has been explained and the person understands the duty
9 to register;

10 3. Obtain the address at which the person is to reside or the
11 law enforcement jurisdiction within which the person will be located
12 if the person is or is likely to become homeless upon discharge or
13 release; and

14 4. Forward ~~said~~ the information to the Department of
15 Corrections.

16 B. The Department of Public Safety shall issue written
17 notification of the registration requirements of the Sex Offenders
18 Registration Act to any person who enters this state from another
19 jurisdiction and makes an initial application for an operator's or
20 chauffeur's license to operate a motor vehicle in this state.

21 C. The Department of Corrections shall coordinate with the
22 Administrative Office of the Courts in promulgating rules to
23 establish other necessary procedures for notifying offenders of the

1 obligation to register pursuant to this act and procedures for
2 registration of those offenders.

3 D. The Department of Corrections shall coordinate with
4 surrounding states to establish necessary procedures for notifying
5 offenders that reside in other states but work or attend school
6 within the State of Oklahoma of the obligation to register pursuant
7 to this act and the procedure for registration of those offenders.

8 SECTION 5. This act shall become effective November 1, 2010.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
10 dated 2-9-10 - DO PASS, As Coauthored.